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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,870	08/09/2001	Ming-Teh Ho	01895211	3854

7590 09/22/2004  
Joseph A. Mahoney  
Mayer, Brown & Platt  
P.O. Box 2828  
Chicago, IL 60690

EXAMINER

FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 09/22/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/925,870

Applicant(s)

HO, MING-TEH

Examiner

James A. Fletcher

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Please include the new Art Unit 2616 in the caption or heading of any written or facsimile communication submitted after this Office Action because the examiner, who was assigned to Art Unit 2615, will be assigned to new Art Unit 2616. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Endoh et al (5,896,358). VFB

**Regarding claims 1**, Endoh et al disclose a system for recording an inputted video information and an inputted audio information onto an optical record medium, and accessing and reproducing the inputted video information and the inputted audio information from the optical record medium (Col 15, lines 23-26 "video packs [V packs] 288, a sub-picture pack [SP pack] 290, and an audio pack [A pack] 291, all determined in the MPEG standard, are arranged to produce a video data stream"), comprising:

- an information recording apparatus for processing the inputted video information and the inputted audio information, multiplexing the processed video information and the processed audio information together with a

reproducing program to generate a record information, and recording the record information onto the optical record medium (Col 11, lines 54-57 "The data recording area 28 in the information recording area 25 is an actual data recording area, in which playback data, video data, sub-picture data and audio data are recorded"); and

- an information reproducing apparatus for accessing the record information recorded on the optical record medium, retrieving the reproducing program, the processed video information and the processed audio information from the record information, executing the reproducing program, and reproducing the inputted video information and the inputted audio information by the reproducing program (Col 11, lines 16-19 "the recorded data is reproduced from an optical disk 10. The recorded data contains video data, sub-picture data and audio data which are converted into video signals and audio signals").

**Regarding claims 2, 7, and 12,** Endoh et al disclose a system wherein the information recording apparatus comprises:

- a first processor for applying a first predetermined process to the inputted video information to generate a processed video information (Col 41, lines 8-9 "an encoder system that creates a video file 88 of a title set 84 whose video data is encoded");

- a second processor for applying a second predetermined process to the inputted audio information to generate a process audio information (Col 9, lines 11-12 "audio data in which 5-channel audio signals are encoded");
- a storage means for storing the reproducing program (Col 1, line 23 "a recording medium");
- a control means, operated by a user-selective information, for selecting one from the plurality of reproducing programs as the selected reproducing program (Col 5, lines 41-42 "it is possible to reproduce the transmitted audio data according to the choice the user has selected");
- a multiplexer for multiplexing the processed video information, the processed audio information and the reproducing program together to generate the record information (Fig 9 illustrates interleaved audio, video, and sub-picture packs); and
- a record means for recording the record information onto the optical record medium (Col 3, lines 7-8 "a method of recording data on the recording medium").

**Regarding claim 3, 8, and 13,** Endoh et al disclose a system wherein the first predetermined process comprises an MPEG coding (Col 15, lines 23-26 "video packs [V packs] 288, a sub-picture pack [SP pack] 290, and an audio pack [A pack] 291, all determined in the MPEG standard, are arranged to produce a video data stream").

**Regarding claim 4, 9, and 14,** Endoh et al disclose a system wherein the second predetermined process comprises an MPEG coding (Col 15, lines 23-26 "video

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packs [V packs] 288, a sub-picture pack [SP pack] 290, and an audio pack [A pack] 291, all determined in the MPEG standard, are arranged to produce a video data stream").

**Regarding claim 5, 10, and 15,** Endoh et al disclose a system wherein the second predetermined process comprises an AC-3 coding (Col 22, lines 2-4 "When '000' is written for the audio coding mode, this means that the audio data has been coded according to Dolby AC-3").

**Regarding claim 6, 11, and 16,** Endoh et al disclose a system wherein the second predetermined process comprises a linear PCM coding (Col 22, lines 10-11 "When '100' is written for the audio coding mode, this means that the audio data is coded by linear PCM").

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached at (703) 305-4380.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only).**


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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF  
September 19, 2004

  
VINCENT BOCCIO  
PRIMARY EXAMINER